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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

12 TOMMY FUENTEZ, ) 1:02-CV-05948 GSA HC  
13 Petitioner, )  
14 v. ) ORDER DIRECTING RESPONDENT TO  
15 ) SUBMIT STATE COURT DOCUMENTS  
16 FRED BROWN, Warden, )  
17 Respondent. )

19 Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to  
20 28 U.S.C. § 2254. Petitioner is represented in this action by Barry L. Morris, Esq. Respondent is  
21 represented in this action by Erik R. Brunkal, Esq., of the Office of the Attorney General. The parties  
22 having voluntarily consented to exercise of Magistrate Judge jurisdiction pursuant to 28 U.S.C.  
23 § 636(c)(1), by order dated April 10, 2003, this case was assigned to the Magistrate Judge for all  
24 purposes, including entry of final judgment.

25 On December 26, 2007, the Ninth Circuit Court of Appeals reversed and remanded this case  
26 for further consideration of Petitioner's ineffective assistance of counsel claim. It has come to the  
27 Court's attention that the Court is without copies of the state court transcripts, in particular,  
28 transcripts of the change of plea hearing and the sentencing hearing.

1 Accordingly, pursuant to Rule 5 of the Rules Governing Section 2254 Cases, Respondent is  
2 DIRECTED to submit a copy of the transcripts of the above mentioned proceedings in this matter  
3 within thirty (30) days of the date of service of this order.

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5 || IT IS SO ORDERED.

6 Dated: February 12, 2008

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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